

# SENATE BILL REPORT

## SB 5578

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As Reported By Senate Committee On:  
Judiciary, February 27, 2001

**Title:** An act relating to validating trusts created for the benefit of nonhuman animals.

**Brief Description:** Validating trusts created for the benefit of nonhuman animals.

**Sponsors:** Senators Costa, Constantine and Deccio.

**Brief History:**

**Committee Activity:** Judiciary: 2/26/01, 2/27/01 [DP].

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### SENATE COMMITTEE ON JUDICIARY

**Majority Report:** Do pass.

Signed by Senators Kline, Chair; Constantine, Vice Chair; Costa, Hargrove, Johnson, Kastama, Long, McCaslin and Roach.

**Staff:** Dick Armstrong (786-7460)

**Background:** Many people want to create a trust to ensure that, after their death, sufficient funds are available to care for their pets. However, under the common law such trusts are unenforceable at law. Additionally, the state of Washington does not currently have any specific statutes that recognize the validity of trust for animals, nor do any statutes specify any basic framework for the creation, operation, and termination of such trusts.

**Summary of Bill:** A trust for the care of one or more nonhuman animals is valid. The animals that are to be benefitted must be readily identified, and the trust terminates upon the death of the last animal named as a beneficiary of the trust.

The principal and income from the trust must be used only for the benefit of the animals, unless otherwise provided in the trust. In general, no filings, reports, or periodic accounting is required, unless ordered by a court or required by the trust instrument.

If a trustee is not named or willing to serve, the court may designate a trustee. A court may also make such orders and determinations as may be advisable to carry out the intent of the trustor, including the appointment of a guardian ad litem for any animals.

Provisions are set forth for the disposition of unexpended trust property.

All powers and duties conferred on a trustee under Washington law apply to the trustee of a trust for animals.

Provisions of the bill apply to trusts that are in existence, if the trust is revokable by the trustor.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill takes effect October 1, 2001.

**Testimony For:** This bill validates trusts for animals. The bill allows owners to provide for the care of their pets and will help many elderly people. The situation does not occur too often, but when it does occur, it is important to people. The bill makes trusts for animals enforceable.

**Testimony Against:** None.

**Testified:** Doug Lawrence, WSBA; Gordon Walgren, Humane Societies.